

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES SMITH, *et al.*,

Plaintiffs,

v.

WASHINGTON AREA HUMANE
SOCIETY, *et al.*,

Defendants.

Civil Action No. 2:19-cv-1672

Hon. William S. Stickman IV

ORDER OF COURT

AND NOW, this 29 day of October 2020, Defendants' Motions to Dismiss (ECF Nos. 7 and 13) are GRANTED in part and DENIED in part.

The Motions to Dismiss are GRANTED as to the *Monell* claim against Defendant Washington Area Humane Society ("WAHS") at Counts I and III. Furthermore, the Motions to Dismiss are GRANTED as to: Count II; the alleged conspiracy to deprive Plaintiffs of their rights under the First Amendment at Count IV; and, Count VII. The dismissal of these counts is without prejudice for Plaintiffs to file an Amended Complaint within twenty-one days.

The Motions to Dismiss are DENIED as to: Counts I and III for all Defendants except WAHS; the alleged conspiracy to deprive Plaintiffs of their rights under the Fourth Amendment at Count IV; and Counts V and VI.

BY THE COURT:



WILLIAM S. STICKMAN IV
UNITED STATES DISTRICT JUDGE